



[10191/3616]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : KRUMMEL et al.
Serial No. : 10/528,181
Filed : October 30, 2006
For : DEVICE FOR DETECTING AND DEVICE FOR MEASURING
THE CONCENTRATION OF A SUBSTANCE
Examiner : Marcus H. Taningco
Art Unit : 2884
Confirmation No. : 6744

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Date: June 17, 2009

Reg. No. 36,197

Signature: _____

Jong H. Lee

SUPPLEMENTAL RESPONSE IN LIEU OF APPEAL BRIEF

SIR:

This Supplemental Response and a copy of the previously-submitted certified English translation of the German priority application DE 102 43 014.4 (mailed on May 6, 2009) are the required submission accompanying the concurrently-filed RCE. This Supplemental Response is being submitted in lieu of an Appeal Brief which is required further to the Notice of Appeal filed on December 18, 2008. A four-month extension of the time period for filing the Appeal Brief is requested in the concurrently-filed RCE.

Applicants previously submitted on May 6, 2009, a certified English translation of the German priority application DE 102 43 014.4 (filing date 9/17/02), the submission of which certified translation clearly overcomes the Wood reference (U.S. Publication 2005/0178952, filing date 12/19/02), cited by the Examiner in the Final Office Action mailed on June 18, 2008 and in the Advisory Action of January 6, 2009, in connection with the rejection of claims 16 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Wood. Since Wood is not a valid prior art reference as applied against the present application, and since the Examiner

acknowledges that Wong alone cannot support a rejection of the present claims 16 and 18, the rejection must be withdrawn. Since remaining claims 10-14 have been amended to depend on claim 18, it is submitted that claims 10-14 are also in allowable condition.

For at least the foregoing reasons, it is respectfully submitted that all pending claims of the present application are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully Submitted,
KENYON & KENYON LLP

 (R. NO. 36,197)

Dated: June 17, 2009

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